

## **HR Weekly Podcast 8/31/07**

Today is August 31, 2007, and welcome to the HR weekly podcast from the State Office of Human Resources. This week's topic concerns details about the workers' compensation reform enacted by the South Carolina General Assembly during the past legislative session.

As you may know, on June 25, 2007, the Governor signed Senate Bill 332 which made significant changes to the State's workers' compensation laws. The new changes took effect on July 1 and apply to all accidents and injuries occurring after July 1, unless otherwise provided in the legislation.

One of the most significant changes contained in the legislation deals with an employer's ability to communicate with an employee's healthcare providers. Previously, an employer would need the employee's consent before having any communication with the employee's healthcare provider. Under current law, once an employee asks for compensation benefits for an injury, disease, or condition under the State's worker's compensation laws, the employee is considered to have consented to the release to the employer, its insurance carrier, or its attorney of any medical records related to the condition. Please be aware, however, that the communication will be excluded from workers' compensation hearings unless the employee is notified by the healthcare provider of the communication, in advance, and was provided with any written questions given to the healthcare professional and any responses provided.

Other changes to the workers' compensation laws include a statutory definition for "repetitive trauma injury." For a repetitive trauma injury to be compensable requires medical evidence from a licensed and qualified medical physician of a direct causal connection between the condition under which the work is performed and the injury. The legislation also requires that notice of repetitive injuries must be provided within 90 days of the date the employee discovered or could have reasonably discovered that the condition was covered as a work-related accident or injury, unless a reasonable excuse is given.

Another significant change brought about by the legislation is new and increased penalties for false representation of injuries. The penalties for employees who are found to be guilty of making a false statement or misrepresentation can range from a misdemeanor to a felony conviction with a prison sentence up to ten years and fines up to \$100,000.

The legislation also dissolves the Second Injury Fund as of 2013. The Fund will not consider any reimbursement for injuries occurring after July 1, 2008.

For more information on the changes to workers' compensation law, please contact the Workers' Compensation Commission at 737-5700 or the State Accident Fund at 896-5800.

Thank you.